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Date of Deposit: December 4, 2003

I hereby certify under 37 CFR 1.10 that this correspondence is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" with sufficient postage on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

Name: Melissa Scanzillo

Signature:

Melissa Scanzillo
Clifford Chance US LLP

Docket No. 7192-202CON

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**PATENT APPLICATION TRANSMITTAL**

COMMISSIONER OF PATENTS

BOX PATENT APPLICATION

P.O. Box 1450

Alexandria, VA 22313-1450

22141 U.S. PTO
10/729284
120403

Sir:

Transmitted herewith for filing is a utility patent application

Of: Donald E. Beeler, Jr.

For: REAL TIME BACKUP SYSTEM

ENCLOSED are the following:

1. ☒ Specification (54 pages), abstract (1 page) and claims (2 pages) (57 pages)
2. ☒ 35 sheets of ☒ formal ☐ informal drawings (Figs. 1-34)
Suggested Figure for Publication: 3
3. ☒ Declaration
☒ Copy from a prior application (for continuation/divisional)
4. ☐ Application Data Sheet
5. ☒ Preliminary Amendment
6. ☐ Information Disclosure Statement and PTO-1449
7. ☐ Assignment and Assignment Recordation sheet (*Fee calculated separately*)
8. ☒ The prior application is assigned to: Network Specialists, Inc.

The assignment was recorded on June 8, 1998 at reel 9243 and frame 0548.

- ☒ A copy of the assignment from the prior application is enclosed.
9. ☐ Non-Publication Request
 10. ☐ Other:

NOTE the following:

11. ☒ This application is made under 37 C.F.R. § 1.53 (b) and is a
☒ Continuation ☐ Continuation-In-Part ☐ Divisional
of Prior Application No. 09/336,777 filed June 21, 1999, which is a

☒ Continuation ☐ Continuation-In-Part ☐ Divisional
 of Prior Application No. 09/165,724 filed October 2, 1998, which is a
☒ Continuation ☐ Continuation-In-Part ☐ Divisional
 of Prior Application No. 08/543,266 filed October 16, 1995

12. ☒ An Extension of time is filed concurrently herewith for the parent application.

13. Small Entity Status:

☒ Applicant is a small entity

14. ☐ Applicants claim priority from the following application(s) under 35 U.S.C. § 119:

15. ☐ Applicants claim priority from the following application(s) under 35 U.S.C. § 120:

Serial Number Country Filing Date Certified Copy Encl.

16. ☐ Cancel claims _____ prior to calculation of the filing fee.

FILING FEE: calculated below (after accounting for any preliminary amendment or claims cancellations if noted above):

| | | | |
|-----------------------------------|-----------------------------|------------------------|----------|
| Basic Filing Fee | | | \$770.00 |
| Total No. Claims 2 | Extra Claims(Total-20) 0 | Fee / claim \$18.00 | \$0.00 |
| Total No. Independent Claims 2 | Extra Independ.(No.-3) 0 | Fee / claim \$84.00 | \$0.00 |
| Multiple dependent claim? + \$280 | | | \$0 |
| Sub-Total | | | 0.00 |
| Small Entity? less 50% | | | \$385.00 |
| TOTAL FEE DUE | | | \$385.00 |

17. ☒ The Commissioner is authorized to charge \$385.00 in connection with this communication to Deposit Account No. 50-0521.

In the event that a petition for extension of time is required to be submitted in the pending prior application, and in the event that a separate petition for the pending prior application is not filed on even date, applicant hereby petitions under 37 C.F.R.1.136(a) for an extension of time in the pending prior application of as many months as are required to render this submission timely.

A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Date: Dec. 4, 2003

Joseph P. Kincart

Joseph P. Kincart
Reg. No. 43,716

Clifford Chance US LLP
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New York, NY 10166-0153
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Name: Melissa Scanzillo

Signature: *Melissa Scanzillo*
Clifford Chance US LLP

Docket No. 7192-202CON (formerly 12585.005)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Donald E. Beeler

Filed: June 21, 1999

Group Art Unit: 2771

Serial No: 09/336,777

Examiner: Ella Colbert

For: REAL TIME BACKUP SYSTEM

PETITION FOR EXTENSION OF TIME UNDER 37 C.F.R. § 1.136

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The following is a request for an extension of time for filing a continuation patent application. The following extension is requested:

☒ Extension for response within third month \$950.0 \$475.00

The Commissioner is authorized to charge the \$475.00 petition fee to Deposit Account No. 50-0521. The Commissioner is hereby authorized to charge any additional fees or credit any fees to Deposit Account No. 50-0521. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Date: December 4, 2003

J. P. Kincart

Joseph P. Kincart
Reg. No. 43,716

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